

# **EXHIBIT 5**



**Bob Ferguson**  
**ATTORNEY GENERAL OF WASHINGTON**  
Civil Rights Division  
800 Fifth Avenue • Suite 2000 • MS TB 14 • Seattle WA 98104  
(206) 464-7744

June 8, 2022

**SENT VIA FEDEX AND EMAIL**

Nicholas Glancy  
Assistant Vice Principal for Risk Management and University Counsel  
Risk Management, DH 250  
509 West Bertona  
Seattle, WA 98119  
nglancy@spu.edu

**RE: Employment practices at Seattle Pacific University**

Dear Nicholas Glancy:

The Washington State Attorney General's Office (AGO) works to protect the civil rights of all Washingtonians, including the right to employment free from discrimination on the basis of any protected class, including religion and sexual orientation. The AGO has recently learned about possible discriminatory employment policies and practices by Seattle Pacific University (University) that may violate the Washington Law Against Discrimination (WLAD), RCW 49.60. We understand that you are the University's counsel. I am writing to inform you that the AGO is opening an inquiry to determine whether the University is meeting its obligations under state law.

Specifically, we have learned of information that suggests that the University may utilize employment policies and practices that permit or require discrimination on the basis of sexual orientation, including by prohibiting same-sex marriage and activity. *See Woods v. Seattle's Union Gospel Mission*, 197 Wn.2d 231, 246, 481 P.3d 1060 (2021); RCW 49.60.180(3); RCW 49.60.180(4). At this stage of our inquiry, we have not made any determination as to whether the University has violated any law.

In order to facilitate our office's efforts to ensure that the University is in compliance with its legal obligations regarding workplace discrimination, we request that you provide the following documents and information:

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1. Produce any policies governing the hiring, promotion, discipline, and/or termination of University faculty, staff, and administrators, as it relates to their sexual orientation or status of being in a same-sex marriage and/or intimate relationship.
2. Identify and describe every instance in which the policies produced in response to Request No. 1 above have been applied in connection with a decision whether to hire, promote, discipline, and/or terminate any prospective, current, or former University faculty, staff, or administrator, as it relates to their sexual orientation or status of being in a same-sex marriage and/or intimate relationship. Produce any documents reflecting such decisions and provide the name, telephone number, and email address of each prospective, current, or former faculty, staff, or administrator to whom the University applied the policies produced in response to Request No. 1.
3. Produce any complaints received from any prospective, current, or former University faculty, staff, or administrator alleging that they were not hired or promoted, or were disciplined or terminated, because of their sexual orientation or status of being in a same-sex marriage and/or intimate relationship.
4. Produce all job descriptions that describe the job duties and requirements of the position, and the hiring criteria and/or job eligibility requirements, for University faculty, staff, and administrator positions. Please include, but do not limit your response to, the job descriptions that relate to the positions held or applied for by any individual identified in response to Request No. 2.

Please note that the relevant time period for the information requested above is from June 1, 2017, to the present. If there is information in addition to the items listed above that the University believes would aid the AGO in its inquiry, I encourage you to include it with your response. Please respond to this request by July 8, 2022.

Finally, I have enclosed a certification regarding the retention of documents. I request that the University maintain in their current forms all records, documents, files, and electronically stored material that may be relevant to this investigation. Such records, including those that are contained in computer systems or servers, should not be altered or destroyed pending completion of our investigation. I ask that you return copies of the certification signed by each University agent or employee who will be responsible for the production and retention of documents during this inquiry by June 22, 2022. The certification(s) may be submitted to me at the email address below.

Thank you in advance for your cooperation. If you have any questions, please feel free to contact me at [daniel.jeon@atg.wa.gov](mailto:daniel.jeon@atg.wa.gov) or (206) 342-6437.

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Sincerely,

DANIEL J. JEON  
Assistant Attorney General  
Wing Luke Civil Rights Division  
Office of the Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 342-6437  
daniel.jeon@atg.wa.gov

Enclosure

cc: Pete Menjares, Interim President (via email w/enc., president@spu.edu)  
Donald Mortenson, Interim Vice President for Finance and Administration (via email  
w/enc., ofa@spu.edu)  
Becky Tindall, Interim Human Resources Director (via email w/enc., rtindall@spu.edu)  
Dean Kato, Board of Trustees Chair (via email w/enc., dean.kato@aol.com)

**CERTIFICATION**  
**SEATTLE PACIFIC UNIVERSITY**

I, \_\_\_\_\_, hereby certify that I am an agent or employee of Seattle Pacific University (University), holding the position of \_\_\_\_\_, with authority to act on behalf of the University. I certify that I will not alter, destroy, or otherwise dispose of any records that comprise, refer, or relate to the documents requested in the Request for Information attached to the letter from the Washington State Attorney General's Office dated June 8, 2022. I have, in writing, instructed University agents and employees not to alter, destroy, or otherwise dispose of the aforementioned records.

This certification applies to all records in their current forms in the direct or indirect possession, custody, or control of the University, including written and electronic documents, postings to internet websites and social media sites, photographs, and audio and video recordings. I will immediately notify the Washington State Attorney General's Office (Attention: Daniel Jeon, Assistant Attorney General, telephone: (206) 342-6437; email: Daniel.Jeon@atg.wa.gov) if I become aware that any person or entity has altered, destroyed, or otherwise disposed of, or intends to alter, destroy, or otherwise dispose of, any such records.

Pursuant to RCW 5.50.050, I declare, under the penalty of perjury and the laws of the State of Washington, that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2022

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Signature

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Title